

claim 27 has been amended so that it is no longer indefinite.

Claims 22, 25 to 29 and 33 to 35 were rejected under 35 USC 103 as being obvious over the Japanese '057 reference which, according to the Examiner, discloses a composition comprising seawater, adequate amounts of water, saccharides, fruit juice, proteins, an amino acid, vitamins, vegetable extracts, carbonic acid, a flavoring agent, a sweetener, lactic acid and lactic acid bacteria, honey, nicotinic acid, sodium glutamate, a sour agent, a thickener, a colorant, a stabilizer, an emulsifying agent, etc. Amino acids according to the Examiner include the basic amino acids having amino groups and salts of amino acids are obvious variants thereof. The Examiner concedes that the Abstract is silent as to the amount of seawater and amino acid but in the absence of unexpected results, the same are deemed to be obvious.

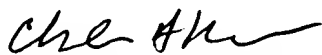
Applicants respectfully traverse these grounds of rejection since it is believed that the newly presented claims are not obvious from the Japanese reference which teaches compositions comprising seawater, adequate amounts of water, saccharides, a fruit juice, proteins, an amino acid, vitamins, vegetable extracts, carbonic acid, a flavoring agent, a sweetener, lactic acid and lactic acid bacteria, honey, nicotinic acid, sodium glutamate, a sour agent, a thickener, a colorant, a stabilizer, an emulsifying agent, fiber, fats, ash, arginine, caffeine, preservative and caramel.

These compositions are specific for an alimentary utility and contain a wide number of ingredients but no potential use claimed. The present invention is not a soft drink containing seawater and other ingredients but, rather, a pharmaceutical hygienic or cosmetic composition containing as active ingredients a combination of seawater and a basic amino acid in its natural form or its salts or esters or a plant and/or animal extract or phytoplankton extract for the treatment of an ailment linked to a local allergic or inflammatory symptom and therefore, the claimed compositions are not obvious therefrom particularly with respect to the method of use claims.

With respect to the Examiner's objections to claims 22 to 24 as incorporating a composition claim, this is a well known use of a well known form that the undersigned has used in many years of prosecution for the Patent Office and withdrawal of this objection is requested. With respect to claims 31, 32 and 37, these are proper claims as they further limit the invention.

It is noted that the Examiner has found original claims 30, 36, 38 and 39 to be drawn to allowable subject matter and it is believed that the all of the claims clearly point out the patentable contribution. Therefore, favorable reconsideration of this application is requested.

Respectfully submitted,
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